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February 23, 2024

The Honorable Nelson S. Román
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, NY 10601

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 02/28/2024

RE: *Yitz Grossman v. United States of America, et al.*, Docket No. 19-cv-09191-NSR

Dear Judge Román:

On behalf of Defendant Ahmed Razek, we write to respectfully request this Court enter an order formally sealing ECF 32 in the above-referenced civil action pursuant to Rule 21.7(b) of the SDNY ECF Filing Rules & Instructions. Plaintiff's counsel, Steven Feldman, consents to this request.

ECF 32 is the Plaintiff's Proof of Service of the summons on Defendant Razek. It was filed by Plaintiff on Wednesday, June 21, 2023, when Plaintiff was *pro se*. The description for ECF 32 and the linked Proof of Service included the name of the minor child who resides at the home of Defendant Razek, and who accepted service of process. According to Rule 21.3 of the SDNY ECF Filing Rules & Instructions, the name of the minor child should not be included on the docket entry or Proof of Service; only the child's initials should appear. Because Plaintiff mistakenly filed the minor child's name, Defendant Razek moves the Court to formally seal ECF 32 pursuant to Rule 21.7(b) to protect the minor child's privacy interests.

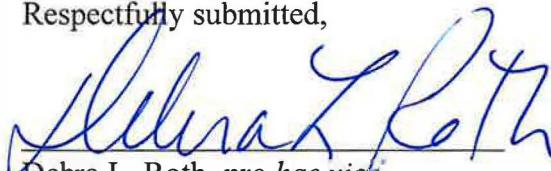
Prior to making this request, I contacted the SDNY ECF HelpDesk via email on Tuesday, February 13, 2024, with the consent of Plaintiff's counsel, to request an emergency seal of ECF 32 pursuant to Rule 21.7(a). The next day, the HelpDesk restricted access to ECF 32 and removed the minor's name from the docket entry. A copy of that email correspondence is enclosed as Exhibit A.

MEMO ENDORSED

The Honorable Nelson S. Román
February 23, 2024
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Thank you for your attention to this request.

Respectfully submitted,



Debra L. Roth, *pro hac vice*
Christopher J. Keeven, *pro hac vice*
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Counsel for Defendant Ahmed Razek

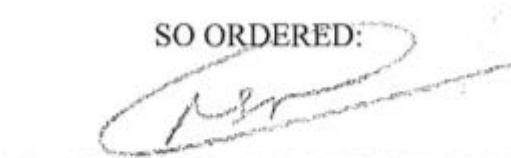
Enclosure

cc: All parties (via ECF)

The Court GRANTS Defendant's sealing request and formally seals ECF No. 32 pursuant to Rule 21.7(b). ECF No. 32 should hereinafter only be accessible to the Court and the parties to the case. The Clerk of Court is kindly directed to terminate the motion at ECF No. 54

Dated: February 28, 2024
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge

ATTACHMENT A

From: Help Desk NYSD <Help_Desk@nysd.uscourts.gov>
Sent: Wednesday, February 14, 2024 9:25 AM
To: Debra Roth <droth@shawbransford.com>
Subject: RE: Emergency Sealing Request for 7:19-cv-09191-NSR

The entry has been restricted to case participants and the minors name has been removed from the docket entry.

If you require further modifications to the entry, you must reach out to chambers.

V. Bart
Help Desk Services
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007
(212) 805 – 0800 ext. 2

From: Debra Roth <droth@shawbransford.com>
Sent: Tuesday, February 13, 2024 6:14 PM
To: Help Desk NYSD <Help_Desk@nysd.uscourts.gov>
Cc: Steven Feldman <steven@safesq.net>; Litigation Department <litigation@safesq.net>; Jessica Waters, Esq. <labor@safesq.net>; 9143904179@rcfax.com; Osmond, Mark (USANYS) <Mark.Osmond@usdoj.gov>; Christopher Keeven <ckeeven@shawbransford.com>
Subject: Emergency Sealing Request for 7:19-cv-09191-NSR

CAUTION - EXTERNAL:

Attention ECF Help Desk,

I am contacting you pursuant to rule 21.7(a) of the SDNY ECF Filing Rules & Instructions, regarding Docket #32 in the above referenced civil action.

I represent Defendant Razek in the action (Docket #45 and 46). I have consent of the Plaintiff to make this request to you. I have cc'd Plaintiff's counsel Steven Feldman to this email.

Docket #32 is the Plaintiff's proof of service of the summons on Defendant Razek. It was filed by Plaintiff when Plaintiff was pro se. Plaintiff is now represented by counsel.

The description for Docket entry #32 and the linked Proof of Service document include the name of the minor child who lives at the home of Defendant Razek, and who accepted service of process. According to Rule 21.3 of the SDNY ECF filing rules, the name of the minor child should not have been included on the docket and the proof of service, only the child's initials. Because the minor child's name was mistakenly filed, we are following Rule 21.7(a) to request an emergency seal of Docket #32.

With the consent of Plaintiff's counsel, we will also follow SDNY's ECF filing Rule 21.7(b), by writing to Judge Nelson Roman to formally seal Docket #32.

Thank you for your assistance.

Debra L. Roth
Attorney at Law

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